

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0797-24 **Applicant:** Mrs J Wenman
Proposal: Garage extension to form annexe
Location: 1 Herdsmans Close Deeping St Nicholas Spalding
Terminal Date: 14th November 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed and beautiful places

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for an extension to a garage to form an annexe at 1 Herdsman Close, Deeping St Nicholas. The extension would result in the provision of an additional storey on top of the existing garage and it is proposed for the extension to accommodate living space in order to form an annexe.

Site Description

The application site comprises land at 1 Herdsman Close, Deeping St Nicholas. The site features a two-storey detached dwelling and a garage which is located between the dwelling and Littleworth Drove, to the north-west of the site.

Relevant Planning History

H03-0236-01: (Outline Application) Erection of 4 dwellings and associated private drive access - approved 08 May 2001

H03-0473-00: (Outline Application) Residential development for 5 dwellings - refused 23 August 2000, appeal submitted but withdrawn 18 May 2001

H03-0500-04: (Reserved Matters) Erection of four dwellings with garages and private drive (Outline H03/0236/01) - approved 08 July 2004

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Deeping St Nicolas Parish Council: It's described as 'annex...ancillary accommodation' but it is so well appointed that there appears to be no dependency on the main house. There is no internal access from the house to the 'Annex'. These points effectively makes it a new and separate address in our view.

Highways and SUDS Support: Additional information is requested. The annexe will add a further bedroom but will remove half of the garage used for parking. How many bedrooms does the existing house have? For a garage to be classed as a parking space it needs to measure a minimum of 3m x 6m. Parking needs to be clearly shown for the dwelling and the annexe.

Cllr B Alcock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the

development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Deeping St Nicholas which is a Minor Service Centre. Furthermore, the proposal solely relates to the extension of an existing dwelling and therefore, the principle of such development is considered to be appropriate, provided that the development is suitably designed and proportionate to the host dwelling.

Design and Visual Impact

Section 12 of the NPPF specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 sets out that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Similarly, Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The application seeks consent to extend the existing garage by extending to the north-west and adding a first floor. Consent is also sought to add an external wall at the front of the dwelling to

provide a 'boot room'. The garage currently features a gable end roof form and the proposed extension would also feature a gable end roof form, however, the ridgeline would be taller. The ridgeline of the existing garage measures 4m from the ground level, whereas the proposed extension would measure 6.5m. The proposed ridgeline would therefore nearly be as tall as the ridgeline of the main dwelling.

The existing garage measures 5.4m by 5.5m. The proposed development seeks to extend the garage by approximately 6m, meaning that the annexe would measure 11.4m in length. The extension would measure approximately 6m in width towards the rear of the site, and 7.7m in width towards the front. This is because the roof of the proposed extension covers the proposed link area between the annexe and the main house at the front. Part of the annexe roof therefore would overhang the garden.

As set out above, the proposed extension would be nearly as tall as the main dwelling. Furthermore, the current built volume of the garage is approximately 94 cubic metres, whereas the volume of the proposed extension is approximately 350 cubic metres. This represents a 272% volume increase. Extensions should not dominate the original building in terms of their scale or siting. The proposed extension would be of an excessive scale compared to the main dwelling. The scale of the proposed extension is therefore considered to be unsuitable as it would represent a disproportionate addition to the main dwelling.

The proposed extension would result in the built form moving much closer to the road frontage than the existing garage. Whilst there is no strict uniformity in terms of surrounding plot layouts, most of the nearest dwellings are set back from the road frontage. One of the closest dwellings to the site is 4 Herdsman Close, which is located to the south-west of the site. This dwelling is set back at a similar distance from the road frontage as the existing garage building within the site. The proposed siting of the extension would therefore be unsuitable in this case by introducing a disproportionate addition that would be inappropriately close to the site frontage.

It is recognised that 2 and 3 Herdsman Close, which are located to the south-east of the site, both feature side extensions with tall ridgelines. However, these side extensions are set back from Littleworth Drove and mirror one another. The visual impact of these extensions is therefore acceptable. By contrast, the proposed extension at 4 Herdsman Close would be incongruous due to its scale and siting.

The proposed materials are not specified on the submitted elevation plans, however, the application form indicates that the proposed materials would match the existing materials on the main house. The proposed materials would therefore likely be appropriate.

The visual impact of the proposed development would be unacceptable and as such the proposed development does not accord with Policies 2 and 3 of the Local Plan, or Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development, although relatively large in scale, would not result in an unacceptable degree of overshadowing of neighbouring properties. The garage would block some light to the rear garden space, however, this would not have a significant adverse effect, particularly as the roofline features a gable end roof form.

The proposed development would also not result in an unacceptable degree of overlooking as no windows are proposed that would look directly onto neighbouring windows. Some windows are proposed on the north-western elevation which fronts Littleworth Drove. This elevation would be directly adjacent to the road and passersby might be able to look into the annexe area which could result in a degree of overlooking of occupants within the annexe. The windows are however positioned towards the top of the elevation which reduces the potential for overlooking. The impact is therefore acceptable.

As detailed above, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, in amenity terms the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this section, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy 2 of the Local Plan sets out that proposals will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 sets out that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The existing dwelling features four bedrooms, whereas the proposed extension would result in the provision of five bedrooms. The parking requirement would therefore remain three spaces for the dwelling and annexe. Lincolnshire County Council's highways team have queried whether there would be enough space for parking within the site as the proposed development would remove half of the integrated garage, thereby resulting in the loss of one parking space. There would however still be enough room for three parking spaces within the site.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

The application is for a change of use and Paragraph 174 of the NPPF sets out that householder applications should not be subject to the sequential or exception tests. Developments should however still meet the requirements for site-specific flood risk assessments, as set out in footnote 59.

The application is not accompanied by a Flood Risk Assessment (FRA). The site is however within a 'low hazard' area as identified within the SFRA. There is therefore no need to consult the Environment Agency provided appropriate mitigation is in place. In this case, the proposed floor levels of the proposed extension would be set at the same level at the existing dwelling. The bedroom within the proposed annexe would be located at the first-floor level rather than on the ground floor. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in this regard.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents inappropriate development within the defined settlement boundary. The proposed development would materially harm the character and appearance of the locality. The proposed development therefore does not accord with the Local Plan or the NPPF. In this instance, there are no material considerations that outweigh the harm that would result from the proposal. As such, the planning balance is against the development.

Conclusion

The proposed development would comprise a disproportionate addition to the host dwelling. The scale and design of the proposed extensive is considered to be unsuitable and to comprise an excessively large form of development, significantly at odds with the character of the area. The proposed development would comprise an unduly dominant and incongruous development.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is

also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.